

THE HON'BLE JUSTICE G.SRI DEVI

Criminal Petition No.685 of 2020

ORDER:

This criminal petition is filed by the petitioner/accused under Section 482 of Cr.P.C., seeking to quash the proceedings in Cr.No.807 of 2019 on the file of Malkajgiri Police Station, Rachakonda District, registered for the offences under Sections 498-A, 506 IPC and under Sections 3 and 4 of Dowry Prohibition Act, against him.

2. Heard learned counsel for the petitioner/accused; learned Additional Public Prosecutor for the 1st respondent-State and perused the record.

3. It is alleged in the complaint that the marriage of the de-facto complainant was performed with the petitioner/accused on 13.06.2004 and at the time of marriage, her parents gave a sum of Rs.2 lakhs and 50 tulas of gold towards dowry and they blessed with two female children. Thereafter, he filed a false case for divorce against her showing her as mentally unsound. In the year 2012, the accused went to United Kingdom for the purpose of employment and since then, he did not return to India and support the family financially, however, he started harassing her to bring additional dowry over telephone and also threatened her with dire consequences.

4. Learned counsel for the petitioner/accused submits that the allegations in the complaint are totally false and baseless and a false

case has been foisted against the petitioner in order to extract the amounts from him. He further submits the petitioner filed F.C.O.P.No.1738 of 2012 on the file of the Judge, Additional Family Court, City Civil Court, Hyderabad and the same was dismissed for default and for non-payment of maintenance. He further submits that the petitioner used to send necessary amount to the de-facto complainant and his two daughters towards maintenance, but due to severe financial crisis, he could not send the amount for some period, which resulted in dismissal of FCOP. He further submits that because of non-payment of maintenance amount, the present complaint is filed and hence, the proceedings in the aforesaid crime are liable to be quashed against the petitioner.

5. Learned Additional Public Prosecutor opposed the prayer for quashing of the F.I.R., and submits that the contents of FIR would disclose the cognizable offence against the petitioner and therefore, the FIR cannot be quashed.

6. After considering the various decisions including the decision of **State of Haryana v. Bhajan Lal**¹'s Case, I am of the view that there can be no interference with the investigation or order staying arrest of the petitioner unless cognizable offence is not ex-facie discernable from the allegations contained in the FIR or there is any statutory restriction operating on the power of the police to investigate a case. From a perusal of the F.I.R., *prima facie*, it cannot be said that no cognizable offence is made out. Hence, no

¹ 1992 SCC (Crl.)426

ground exists for quashing of the F.I.R or staying the arrest of the petitioner.

7. Accordingly, the Criminal Petition is dismissed.

8. Miscellaneous petitions, if any pending in this criminal petition, shall stand dismissed.

JUSTICE G.SRI DEVI

30th January, 2020.

sj



